Docket No. 6173-29US

REMARKS

Claims 1-4, 6-16, 20-24, 26, 33-53, 55-57, and 60-67 are pending in this application. Claims1-3, 6-16, 20, 22-24, 26-29, 38, 39 and 55 have been amended, and claims 5, 17-19, and 25 have been canceled, by this Amendment.

The Office Action dated December 15, 2004 rejected claims 1-11, 13, 14, 20-29, 33-37, 40-42, 47-53, 55-57 and 60-67 as being anticipated by prior art under 35 USC 102(e) and rejected claims 15-19 and 43-46 as being obvious in view of prior art under 35 USC 103(a). No grounds of rejection were set forth for claims 12, 38 and 39.

Anticipation Rejection

The grounds for the anticipation rejection of claims 1-11, 13, 14, 20-29, 33-37, 40-42, 47-53, 55-57 and 60-67 under 35 USC 102(e) is set forth in part 2 on pages 2-10 of the Office Action. Specifically, the anticipation rejection relies upon the systems illustrated in Figs. 6 and 12 and described in U.S. Patent No. 6,677,894 issued to Sheynblat et al (these systems hereinafter being referred to merely as "Sheynblat"). Applicants respectfully traverse the rejection on the grounds that it fails to establish a prima facie case that Sheynblat includes each and every one of the combination of features recited in the rejected claims.

Claims 1-11, 13, 14, and 20-29

Independent claim 1 is directed to a method of providing location-based services and has been amended by this Amendment to recite the features of receiving a request to setup a communication channel in a first network element and selecting a second network element based on an indication of location-based services in the request. Claim 1 has also been amended to recite that the traffic on the communication channel is filtered according to filtering information set by the first or second network element. Claim 27, as amended, is an independent claim directed to a network and recites features substantially similar to claim 1. Claim 29, as amended, is an independent claim directed to the first network element and recites features substantially similar to claim 1. Claims 2-11, 13, 14, 20-26 and 28 are dependent claims dependent on claim 1 or claim 27.

Sheynblat does not include the features of receiving a request to setup a communication channel in a first network element and selecting a second network element based on an indication of location-based services in the request recited in independent claims 1, 27 and 29. Although a network element may be selected in Sheynblat based on location, the selection is not based on an indication in a request to setup a communication channel that includes an indication of location-based services. The locationing is indicated in a SMS message in Sheynblat rather than in a request to setup a communication channel.

Sheynblat also does not include the feature of filtering traffic on the communication channel using filtering information set by the first or second network element now recited in independent claims 1, 27 and 29. The rejection cites col. 12, lines 45-56, of the patent with respect to this feature. However, the cited passage merely discusses the processing and routing priority of calls for transmission and switching through the network. There is no filter in Sheynblat that filters the data on the communication channel. There also is no disclosure that filtering information is set by the first or second network element.

Claims 2 and 26

Claim 2 depends from independent claim 1 and further recites the step of determining an identity of an entity, and forwarding the identity to the user equipment. Claim 26 as amended depends from claim 2, and recites that the entity comprises a Call State Control Function (CSCF). The rejection asserts that Sheynblat includes the feature of contacting a local entity capable of handling set calls recited in claim 2, and refers to col. 15, lines 1-39, of the patent. Applicants respectfully submit that there is no prima facie showing that Sheynblat includes the features recited in amended claims 2 and 26. Claims 2 and 26 are thus allowable for this reason in addition to those set forth above for claim 1.

Claims 6, 9, 10, and 13

Claims 6, 9, 10, and 13 are dependent claims further reciting various features relating to the filtering for the communication channel. The rejection cites col. 12, lines 45-56, of the patent. However, the cited passage merely discusses the processing and routing priority of calls for transmission and switching through the network. There is no disclosure of any filter in

Sheynblat that filters the data on the communication channel. Claims 6, 9, 10 and 13 are thus allowable for this reason in addition to the reasons set forth above for claim 1.

Claims 14, 15, 22 and 23

Claims 14, 15, 22 and 23 are indirectly dependent on claim 1 and recite further features relating to the call being an emergency call and the entity being an entity handling emergency calls. Applicants respectfully submit that these dependent claims are further allowable because of the features.

Claims 33-37, 40-42, 47-53, 55-57 and 60-67

Independent claim 33 recites a method of providing location-based services for user equipment in a packet switched wireless communication network in which a setup request includes location information and that the location information included in the setup request is provided by a network element in a radio access network. Claim 61 is directed to a network and also recites these features. Claim 67 is directed to user equipment and also recites these features. Claims 34-37, 40-42, 47-53, 60 and 62-66 are dependent claims, and thus include these features as well.

Contrary to the independent claims, Sheynblat does not send location information in a set up request and the location information included in the setup request is provided by a network element in a radio access network. Specifically looking at Fig. 6 of Sheynblat, for an emergency call the cell-ID of an operating UE is transferred via SMS Center 162 to GPS location server 164 (steps 301, 303 and 305 in Fig. 8). The SMS message triggers the location server 164 to determine satellite information for the cell or base station 153 corresponding to the cell-ID, the satellite information being useful in determining the approximate location of the UE. The satellite information is transferred back to base station 153 and from there to the UE (steps 309 and 311). The GPS receiver in the UE begins a GPS locating method using the satellite information to determine pseudoranges indicating the location of the UE (step 313). The pseudoranges are forwarded via SMS to the location server (step 313). The location server determines the exact location of the UE (using the location corresponding to the cell-ID and the pseudoranges) and forwards it to database 166, which is forwarded to PSAP 173 (step 315).

Thus, in Sheynblat, the UE does not send the location information as part of a setup request as recited in the rejected claims. In the Fig. 6 embodiment, the UE sends the location information as a SMS message. The embodiment in Fig. 12 does not use SMS messages, but the location information is still not included as part of a setup request. There must be communication between location server 164 and the GPS receiver in the UE of Sheynblat (see for example, col. 13, lines 4-7, of the patent) whereas this necessity can be advantageously avoided by the recited features. Since all of the independent claims recite the feature that location information is included in the setup request, all of the rejected claims are not anticipated by Sheynblat at least for this reason.

Independent claims 33, 61 and 67 further recite the second feature that the location information included in the setup request is provided by a network element in a radio access network. Although in Sheynblat some information is indeed provided by BS 153 to the UE, the location information provided by BS 153 is not the same location information that is sent by the UE. Sheynblat uses an iteration process to obtain the location information in which the UE starts the process by sending an SMS to the network, the network adjusts and responds back to the UE, the UE calculates an estimate and the network provides it to the PSAP. Thus, claims 33-67 are not anticipated by Sheynblat for the further reason that in Sheynblat the location information included in the setup request is not the same information provided by a network element in a radio access network.

Obviousness Rejection

The grounds for the obviousness rejection of claims 15-19 and 43-46 under 35 USC 103(a) is set forth in part 4 on pages 10-11 of the Office Action. The rejection acknowledges that Sheynblat does not include the features of these dependent claims, but asserts that the features are well known in the art and that one would have therefore modified Sheynblat to include those features. Applicants respectfully traverse the rejection as failing to establish a prima facie case of obviousness.

In this Amendment, claims 17-19 have been cancelled and claim 16 has been amended to recite the features of claims 17-19. Even assuming for the sake of argument that the features of claims 15, 16 and 43-46 are well known in the art as alleged (which is not admitted and a

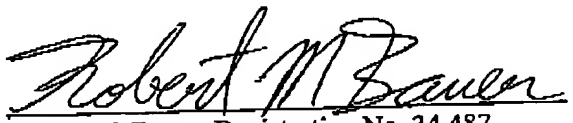
reference should be cited to support the Official Notice), it does not establish any reason that one of ordinary skill in the art would be motivated to modify Sheynblat to include those features to arrive at the combination recited in the claims. There appears to be no reason to do so except the hindsight provided by this application.

Claims 12, 38 and 39

No rejection was made of dependent claims 12, 38 and 39 in the Office Action. Applicants request that these claims be formally allowed in the next Office Action or other Communication.

Please charge any fees due in connection with the filing of this Amendment, to Deposit Account No. 02-4270 (Dkt. No. 6173-29US) and please credit any overpayment or excess fees to such deposit account.

Respectfully submitted,



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